REMARKS/ARGUMENTS

Pending claims 1-5, 8-9, 21-22, 24, 27, 34-36 and 58-62 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,288,676 (Maloney). Applicant respectfully traverses the rejection. As to claim 1, the Office Action contends that a control system 10 of Maloney meets the cellular map. However, nowhere does Maloney teach that this system includes a cellular map. Instead, a sensor or antenna of the sensor station determines a series of lines of bearings 3-8. Maloney, col. 8, lns. 33-35. However, these lines are not with regard to a cellular map, and instead are overlayed on topological data. Maloney, col. 8, lns. 35-45. For at least this reason, the rejection of claim 1 and its dependent claims is overcome.

Furthermore, claim 1 is patentable as Maloney nowhere teaches a traffic flow analyzer that identifies which of multiple cellular devices are present in which of multiple cellular communication cells. Nor does Maloney determine vehicular traffic based on analysis of occupancy data identifying which of multiple cellular devices are present in which cellular communication cells. Instead, the traffic monitoring performed in Maloney is done using a single mobile transceiver as a probe to determine traffic flow along a roadway. Maloney, col. 13, ns. 53-col. 6, ln. 3.

For similar reasons, claim 21 and its dependent claims are patentable as Maloney does not teach determining spatial movement of cellular devices according to a delta in occupancy data obtained from multiple cellular devices within a cell.

For at least similar reasons discussed above regarding claims 1 and 21, the rejection of claims 6-7 and 28-33 under §103(a) over Maloney in view of U.S. Patent Application No. 2004/0246147 (von Grabe) is also overcome.

Pending claims 23, 25-26 and 37-51 stand rejected under 35 U.S.C. §103(a) over the sole reference Maloney. As to claims 23, 25, 26 and 37-38, this rejection is improper at least for the same reasons discussed above regarding claim 21 from which these claims depend.

As to claim 39, the Office Action merely contends that they are obvious method claims. However, there is no support for this contention. For at least this reason, a *prima facie* case of obviousness has not been made, and these claims are patentable.

Furthermore, with regard to claim 39, nowhere does Maloney teach or suggest receiving cell occupancy data of multiple cellular devices in multiple cells, determining which of the devices are moving between cells, determining which cells the devices are moving between, and

converting this determination into a roadway representation that indicates which roads moving vehicles are likely to be driving on. In this regard, the system of Maloney does not in any way convert a moved-between cell determination that identifies which particular cells a cellular device has moved between into a vehicle roadway representation. Instead, as discussed above Maloney uses lines of bearing to determine a vehicle location. For at least this reason, claim 39 and its dependent claims are patentable.

As to claim 49, Maloney nowhere teaches or suggests any of categorizing of cellular devices in a specified area, filtering out of such devices not recently in other areas, capturing cellular devices recently arrived from other areas, eliminating cellular devices departing to other areas, nor reconciling a result with results from nearby areas to produce a final result. Accordingly, claim 49 and its dependent claims are patentable.

New dependent claim 63 is patentable at least for the same reasons as discussed above regarding claim 1 from which it depends.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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Mark J. Rozman
Registration No. 42,117
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024-1805
(512) 418-9944 [Phone]
(713) 468-8883 [Fax]
Customer No.: 21906